IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 8TH JANUARY 2007 / 18TH POUSHA, 1928

Bail Appl..No. 29 of 2007()

CP.70/2006 of J.M.F.C.,THALASSERY
(OR.8/02 OF THALASSERY EXCISE RANGE.)

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: PETITIONER/ACCUSED:

KUNCHAN P., S/O.AYYAB CHETTIAR,
COOLIE, SHAVAPPADANNA,
CHALAPPURAM P.O., KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT & STATE:

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1. EXCISE INSPECTOR, THALASSERY CIRCLE,
THALASSERY.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 29 OF 2007

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DATED THIS THE 8th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the sole accused in O.R.No.8/02 of Thalassery Excise Range for an offence punishable under section 55(a) of the Abkari Act for allegedly having been found in possession of 13.5 litres of IMFL on 7.6.2002, seeks anticipatory bail.

2. In as much as the case is now pending before the J.F.C.M., Thalassery as C.P.No.70/06 and non-bailable warrant of arrest is pending against the petitioner, anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the contention of the petitioner that he had an episode of Meningitis consequent on sub arachanoid hemorrhage and also after considering his grievance that he did not receive summons in the case.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn